

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

KLOOSTERBOER INTERNATIONAL
FORWARDING LLC, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Case No. 3:21-cv-00198-SLG

ORDER RE MOTION FOR RECONSIDERATION

Before the Court at Docket 99 is Defendants' Motion for Reconsideration, seeking reconsideration of this Court's order at Docket 95 insofar as it prohibits Defendants from issuing and enforcing additional penalty notices for shipments via the BCR Route prior to September 30, 2021, and from enforcing the notices of penalty that have already been issued, during the pendency of this action. Defendants express concern that absent this modification of the preliminary injunction, the five-year statute of limitations may run on certain of their claims.

At the Court's request, Plaintiffs responded at Docket 103. Although Plaintiffs object to Defendants' proposed modification of the preliminary injunction, they do not appear to object to a "provision tolling the statute of limitations with

respect to penalties addressing past purported violations during the pendency of this action.”¹

The Court declines to modify the preliminary injunction so as to permit Defendants to issue additional penalty notices and take enforcement actions against third parties during the pendency of this case. The Court remains of the view that such actions would be likely to cause Plaintiffs irreparable harm.² However, the Court does intend that the application of constitutional tolling operates to toll the statute of limitations with respect to penalties addressing past purported violations during the pendency of this action. To the extent that the application of such tolling was not clear in the Court’s prior order, Defendants’ motion for reconsideration is granted in that respect and is otherwise denied.

DATED this 28th day of October, 2021, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

¹ Docket 103 at 6.

² See Docket 95 at 17.